

## **Instructions for Election Judges**

Appointment: The City Council, unless this duty has been delegated to the supervisor of elections, chooses three city voters each year to act as election judges at each polling place and to serve as the election board. One of the judges must be assigned to chair the board. The judges shall not be Councilmembers or candidates for office. Pay of election judges is determined by the city council.

Oath of Office: The City Clerk shall give the following written oath or other similar oath as provided in the city's election ordinances to all election judges on or before election day:

I, \_\_\_\_\_ do solemnly swear that I will honestly, faithfully and promptly perform the duties of election judge to the best of my ability and that I am familiar with the City's election ordinances.

Attendance: Election judges shall report to the polling place one half-hour before the polls open to finish preparing the polling place and take the oath of office. The election supervisor may require election judges to meet before this to receive instructions and to help set up the polling place. If an appointed judge fails to appear and/or take the oath on election day, the elections supervisor or his/her delegate shall appoint a qualified voter to fill the vacancy.

Preparation of polling place: Before the polls open, election judges should inventory their supplies to make sure the following supplies are available for the election:

- A. A precinct register obtained from Division of Elections
- B. Official Ballots
- C. Questioned ballot 'Oath and Affidavit of Eligibility' envelopes and an additional envelope in which to place the ballot to ensure secrecy
- D. Blank Register
- E. A large envelope for 'Questioned Ballots' and a large envelope for 'Spoiled Ballots'
- F. Pens or pencils for marking the ballot
- G. Sample ballots
- H. Voter instructions
- I. Notice or poster regarding electioneering, identification requirements, and questioned ballots is posted.

Organization: The elections supervisor may assign specific duties to each election judge. Usually one judge is assigned to sign in voters and verify identification, one judge is assigned to issue ballots and provide voting instructions, and one judge (usually the chairman) receives the voted ballots and detaches the numbered stub or verifies the number as instructed by the elections supervisor.

Preparation of ballot box: Before receiving any ballots the election board must, in the presence of all persons present, open and show the inside of the ballot box. After showing the box, the box will be sealed and not opened again until after all voted ballots have been placed in the ballot box and the polls have closed.

Voting: general procedure.

- A. The election judge shall request each person wanting to vote to print and sign his/her name and residence address on the first available line of the blank register. If the voter is not known to any judge or clerk present, the judge or supervisor may require the voter to produce a state voter registration card or other identification. If, in the opinion of the election official, there is doubt whether the person is registered to vote, he/she shall immediately question the voter.
- B. If the voter is not questioned, the judge shall give the voter a ballot and record the number in the register next to the voter's name. The voter shall then take the ballot to a voting booth and mark the ballot appropriately. Before leaving the voting booth, the voter shall fold his/her ballot as instructed on the ballot. The judge shall, without unfolding the ballot or allowing any person to see how it is marked, remove the number stub or in the manner required by the election supervisor verify the ballot number and return the ballot to the voter. The voter shall then deposit the ballot in the ballot box unless the voter requests assistance.
- C. If a voter is questioned, the voter may cast a questioned ballot.

Voting: spoiled ballots: If a voter makes a mistake or otherwise damages a ballot, and sees the mistake before putting the ballot in the ballot box, he/she may return it to an election official, without showing how the ballot is marked, and request a new ballot. The election judge shall write the words "Spoiled Ballot" on the outside of the folded ballot, record its number, and put it in the spoiled ballots envelope. The judge or Clerk shall then issue a new ballot to the voter. A voter may request a new ballot no more than three (3) times.

Voting: questioned ballots.

- A. Every election judge and/or election supervisor shall question a person trying to vote if they have good reason to believe that the person is not qualified to vote. Any other person qualified to vote in the City may also question a person trying to vote if he/she has reason. All questions regarding a person's qualifications to vote shall be in writing explaining the reason the person is being questioned.
- B. If a voter's name is not on the Master Voter Registration List or a voter's eligibility is questioned and the voter believes that he or she is eligible to vote, the voter shall sign an envelope containing the Oath and Affidavit of Eligibility stating that the voter meets all the qualifications of a voter, is not disqualified, and has not voted at the same election. After the questioned person has executed the Oath and Affidavit of Eligibility the person may cast a questioned ballot. If the questioned person refuses to execute the Oath and Affidavit of Eligibility, the person may not vote.
- C. A voter who casts a questioned ballot shall vote his/her ballot in the same manner as other voters. After the election judge verifies the ballot number, the voter shall put the ballot into a small envelope and put the small envelope into the larger envelope containing the signed statement of eligibility. The larger envelope shall be sealed and put in the ballot box. When the ballot box is opened, these envelopes shall be set

aside, counted, compared to the voting list, sealed in the questioned ballots envelope and delivered to the election supervisor along with the other election materials. The canvass committee, shall decide whether a questioned ballot is eligible.

Assisting voter by judge: Any one needing assistance may request an election judge or not more than two persons to assist him. If any person other than an election judge is requested, the election judge shall require that person to swear under oath that he/she will not tell the vote or attempt to change or influence the voting wishes of the person assisted.

Prohibitions.

- A. No voter may leave the polling place with the official ballot that he received to mark.
- B. No voter may show his/her marked ballot to an election official or any other person showing how the voter marked his/her ballot.
- B. No election official may, while the polls are open, open any ballot received from a voter, or mark a ballot in any fashion to identify it from another, or otherwise attempt to learn or allow another to learn how a voter marked his/her ballot.
- C. No election official may allow a ballot that he/she knows has been unlawfully exhibited by the voter to be placed in the ballot box. A ballot unlawfully exhibited shall be recorded as a spoiled ballot and destroyed.
- D. No election official may discuss any political party, candidate or issue while on.
- E. During the hours that polls are open, no person who is in the polling place or within 200 feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition, or question.

Administration of oaths: Any election judge may administer to a voter any oath required under this section.

Majority decision of election board: The majority decision of the judges shall decide the action that the election board will take on any election question that comes up during the election.

Ballots; counting and tallying.

- A. Immediately after the polls close and the last vote has been cast and placed in the ballot box the election judges will open the box containing the ballots and count them. NOTE: the election supervisor or other assigned election official must announce the closing of the polls 15 minutes before the polls actually close. Ballots may not be counted before the time scheduled for the polls to close. The counting of the ballots shall be public. The opening of the ballot box shall be done in full view of any persons present. The public may not be excluded from the counting area. No one shall be permitted to interfere or to distract the election officials and no one other than appointed election officials may handle the ballots. The judges shall remove the ballots from the ballot box one by one, inspect them for disqualifying marks, and record the vote for each candidate, proposition, or question. Once the election judges have started counting, they must continue without a break until the count is complete.

- B. The election board shall account for all ballots by completing a ballot statement containing (1) the number of ballots received; (2) the number of ballots voted; (3) the number of ballots spoiled; (4) the number of ballots unused. The board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. If there are any discrepancies in numbers of ballots received and the number of ballots accounted for, the ballots shall be recounted until the ballot count is the same as the number received or declare an unexplained error. If there is an error, the chairman of the election board shall write the details on the ballot statement and have it signed by the election judges.

Rules for counting ballots.

- A. The election board shall count ballots according to the following rules.
1. A voter may mark his ballot only by the use of cross-marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate or propositions the voter wants to choose. The mark shall be counted only if it is mostly inside the square provided, or touching the square so as to indicate the voter intended that square to be marked.
  2. Failure to properly mark a ballot as to one or more candidates or propositions does not invalidate the whole ballot. Only the part that is not marked correctly is invalid.
  3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
  4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
  6. An erasure or correction invalidates only that part of the ballot containing the erasure or correction.
  7. Write-in votes are not invalidated if the voter fails to mark an appropriate square provided if in the opinion of the judges the voter intended to vote for the person whose name was written.
  8. No ballot shall be rejected if the election board can determine the person and office that the voter intended to vote for.
- B. The chairman of the election board shall write the word "Defective" on the back of each ballot that the election board determines should not be counted. If only a part of the ballot is invalid, the valid votes shall be counted and the chairman shall specify on the back of the ballot exactly which part is invalid.
- D. If a particular objection is made to the counting of all or any part of a ballot, but the election board decides that the votes should be counted, the chairman of the election board shall write the words "Objected to" on the back of the ballot and explain the objection.
- E. All defective ballots and all ballots objected to shall be sealed in a single envelope marked "Defective Ballots," and delivered to the election supervisor.

### Report of election results.

- A. When the count is finished, the election board shall prepare two 'Report of Preliminary Election Results' certificates. The report shall include the number of votes cast for each candidate, for and against each proposition, yes or no on each question and any additional information the election board deems appropriate or required by the election supervisor. All members of the election board shall immediately sign both copies of the report. The election board shall then immediately deliver to the election supervisor one of the two original certificates and the Master Voter Registration List, register of voters, tallies, oaths of judges, Oaths and Affidavits of Eligibility, questioned ballots, defective ballots, spoiled ballots and other election documents in one sealed package, and in a separate sealed package, all ballots properly cast. The chairman of the election board shall keep the other signed original report in a safe place and present it to the canvass committee when the committee meets.
- B. The election supervisor shall place all election materials received from the election board in the office safe, or other lockable container if no safe is available, until the canvass committee meets to certify the election.

### Posting certificate of preliminary election results.

- A. The Certificate of Preliminary Election Results shall be posted by the election supervisor or his/her delegate in three public places the day after the preliminary election results are known. The notice shall include:
  - 1. The time and place of the canvass committee meeting to certify the results;
  - 2. That the results do not reflect the votes of absentee and questioned ballots and are not final until the committee formally certifies the election; and
  - 3. The procedure available to contest the election.